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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RAY MARTIN HEFFINGTON,	)	Case No. 1:21-cv-00031-EPG
	)	
Plaintiff,	)	STIPULATION AND ORDER FOR
	)	EXTENSION OF TIME
vs.	)	(ECF No. 19)
	)	
KILOLO KIJAKAZI, Acting	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel of record, with the Court's approval, that Plaintiff shall have a 60-day extension of time, from February 2, 2022 to April 4, 2022, for Plaintiff to serve on defendant with Plaintiff's Opening Brief. All other dates in the Court's Scheduling Order shall be extended accordingly.

This is Plaintiff's first request for an extension of time. Good cause exists for this request. Counsel has recently received a greater number of Answers and Certified Administrative Records from defendant in cases in this district, and the three other California Districts, each of which require settlement negotiations or merit briefing. Counsel has a greater than usual number of merit briefs due in January 2022 and February 2022. In the Eastern District of California,

1 Counsel received 60 Certified Administrative Records for November 2021 through December  
2 2021.

3 As to merit briefs, for the weeks of January 24, 2022 and January 31, 2022, Counsel has  
4 13 merit briefs, numerous reply briefs, and EAJA Motions. Counsel also has 17 administrative  
5 hearings before the Office of Hearing Operations for Social Security.

6 Due to Counsel's attempt to spread out the significant increase of briefs due for prior  
7 months, in the month of January 2022, Plaintiff's Counsel has well over 34 merit briefs. And for  
8 February 2022, Plaintiff's Counsel has 19 merit briefs.

9 In addition, Counsel is responsible for reviewing Appeals Council ("AC") denials for  
10 possible filing in US District Court. Counsel has received an unusual and ever-increasing  
11 number of AC denials which require a review for possible filing in US District Court. The AC  
12 has also recently denied our extension requests at the administrative level to allow more time to  
13 review those files. Therefore, Counsel is unable to push out any of the AC denials which are  
14 dated within 65 days.

15 Lastly, Attorney Dolly M. Trompeter, an attorney with the firm Pena and Bromberg, PC  
16 is currently out of State tending to her ill father prompting the undersigned Counsel to take on  
17 additional matters on her behalf.

18 Due to the combination of the above issues, Counsel for Plaintiff has a larger than usual  
19 number of briefs due for the months of January 2022 and February 2022.

20 Counsel for the Plaintiff does not intend to further delay this matter. Defendant does not  
21 oppose the requested extension. Counsel apologizes to the Defendant and Court for any  
22 inconvenience this may cause.

23  
24  
25 Respectfully submitted,

26 Dated: January 18, 2022

PENA & BROMBERG, ATTORNEYS AT LAW

27  
28 By: /s/ Jonathan Omar Pena  
JONATHAN OMAR PENA

Attorneys for Plaintiff

Dated: January 18, 2022

PHILLIP A. TALBERT  
United States Attorney  
PETER K. THOMPSON  
Acting Regional Chief Counsel, Region IX  
Social Security Administration

By: \*/s/ Patrick Snyder  
Patrick Snyder  
Special Assistant United States Attorney  
Attorneys for Defendant  
(\*As authorized by email on January 18, 2022)

**ORDER**

Based on the above stipulation (ECF No. 19), IT IS ORDERED that Plaintiff shall file Plaintiff's opening brief no later than April 4, 2022. All other deadlines in the Court's scheduling order are extended accordingly.

IT IS SO ORDERED.

Dated: **January 19, 2022**

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE